

**From:** Wayne Hedberg  
**To:** JBLAKE  
**Date:** Tuesday, September 27, 1994 4:38 pm  
**Subject:** MARK JOHNSON - TETLA SEPTARIANS (S/025/012)

MARK JOHNSON STOPPED BY OUR OFFICES TODAY TO DISCUSS WHAT HE NEEDED TO DO TO ADDRESS OUR AUGUST 24, 1994 CERTIFIED LETTER TO HIM. OUR PREVIOUS LETTER INDICATED THAT WE BELIEVED HIS ACTIVITIES HAD EXCEEDED THE 5-ACRE THRESHOLD FOR A SMALL MINING OPERATION. THE DIVISION HAD REQUESTED THAT HE PERFORM CONTEMPORANEOUS RECLAMATION OF THE DISTURBED AREAS OR FILE A LARGE MINE PERMIT AND BOND BY OCTOBER 30TH.

WE DISCUSSED OUR UNDERSTANDING OF STATE LEASE OWNERSHIP AND SOME OF THE HISTORY OF PREVIOUS MINING CONDUCTED ON THE STATE LEASES BY MR. GERALD BERRY. MR. JOHNSON INDICATED THAT HE WAS STILL SUBLEASING THE PROPERTIES FROM OLGA BERRY AND THAT GERALD WAS BASICALLY OUT OF THE PICTURE NOW. APPARENTLY 100% INTEREST IN THE PROPERTIES WENT TO OLGA BERRY PURSUANT TO A SOME REQUIREMENTS TIED TO THEIR DIVORCE DECREE IN 1993(?). IT IS OUR UNDERSTANDING THAT THE MINERAL LEASES WERE FORMALLY TRANSFERRED FROM MR. BERRY TO MR. JOHNSON IN MAY OF THIS YEAR. THIS MAY NOT BE THE CASE AND WE WILL NEED TO HAVE THE MINERAL LEASE TRANSFER RECORDS CONFIRMED.

WE ADVISED MR. JOHNSON THAT HE WILL EITHER NEED TO HAVE A PERMIT TRANSFER FORM FILLED OUT, OR FILE A NEW PERMIT APPLICATION FOR THE PROPERTIES HE WILL BE OPERATING ON. ONCE WE CONFIRM THE LEASE OWNERSHIP, WE SHOULD BE ABLE TO ADVISE HIM WHICH PERMITTING OPTION IS APPROPRIATE.

MR. JOHNSON INDICATED THAT HE NOW HAS A D-7 DOZER DOWN ON THE MINE SITE AREA AND WILL BE PERFORMING RECLAMATION ACTIVITIES ON ALL DISTURBED AREAS HE NO LONGER HAS AN INTEREST IN WITHIN THE WEEK. HE DOES PLAN ON LEAVING A COUPLE PITS OPEN FOR CONTINUED OPERATIONS. HE INDICATED HE HAS ALREADY PERFORMED SOME RECLAMATION OF AREAS THAT MR. BERRY PREVIOUSLY AGREED TO RECLAIM. ADDITIONAL DISTURBANCES LEFT BY MR. BERRY WILL BE RECLAIMED IN KIND BY MR. JOHNSON AS PART OF THE RECLAMATION PROPOSED IN THE NEAR TERM. HE ALSO INDICATED THAT HE WILL PERFORMING SOME RECLAMATION WORK FOR MR. REX HARRIS ON ADJACENT PROPERTY TO HIS LEASE.

MR. JOHNSON ASKED US TO PROVIDE HIM WITH A SEEDMIX RECOMMENDATION. HE INDICATED THERE WAS A SIGNIFICANT AMOUNT OF PRIVATE LAND IN THE GENERAL AREA WHICH IS GRAZED. THIS MAY BE A CONSIDERATION TO FACTOR INTO OUR SEEDMIX RECOMMENDATION. I ASKED IF HE KNEW IF A GRAZING LEASE WAS IN PLACE WHICH OVERLAPPED THE MINERAL LEASES. HE SAID HE WASN'T SURE.

I ADVISED MR. JOHNSON TO CONTACT JOHN BLAKE OF SITLA AT HIS EARLIEST CONVENIENCE TO ADDRESS THEIR OUTSTANDING PERMITTING CONCERNS AND BONDING REQUIREMENTS. HE SAID HE HAD ALREADY TRIED TO SEE MR. BLAKE TODAY. HE INDICATED HE WOULD TRY AND CALL

SITLA'S OFFICE TOMORROW.

MR. JOHNSON EXPRESSED HIS INTEREST IN KEEPING ALL FUTURE MINING DISTURBANCES WITHIN THE 5-ACRE SMALL MINING CATEGORY. HE INDICATED THAT SOME OF THE AREAS WE HAD MEASURED MAY NOT HAVE BEEN RELATED TO HIS OPERATIONS, BUT WERE CREATED BY OTHER OPERATORS BEFORE HIM. HE ALSO INDICATED THAT ALL OF HIS OPERATIONS WERE BEING CONDUCTED ON STATE LEASED LANDS ONLY.

WE ENDED THE MEETING WITH THE UNDERSTANDING THAT WE WOULD RESEARCH THE SPECIFIC MINERAL LEASE OWNERSHIP QUESTIONS AND THEN LET MR. JOHNSON KNOW WHAT PERMITTING OPTIONS HE SHOULD PURSUE WITH OUR AGENCY. WE HOPE TO HAVE AN ANSWER FOR HIM WITHIN THE WEEK.

A COPY OF THIS E-MAIL WILL BE SENT TO THE MINE FILE.

WE ALSO DISCUSSED GENERAL RECLAMATION REQUIREMENTS FOR SOME OF THE NATURAL DRAINAGES THAT HAVE BEEN IMPACTED BY PAST AND PRESENT OVERBURDEN WASTE DUMPING ACTIVITIES (SPECIFICS TO BE WORKED OUT DURING FUTURE ONSITE INSPECTION).

CC: TJONES, LBRAXTON